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March 6, 2003

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TO: EXAMINER GAILENE R. GABEL
GROUP ART UNIT: 1641
C/O Commissioner For Patents
Washington, D.C. 20231

CLIENT NO.: 28911
MATTER NO.: 34561
COUNTRY CODE: USA
EXTENSION: 836

FAX NO.: 1-703-305-3014

FROM: Jeffrey S. Sharp

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**DRAFT RESPONSE AFTER FINAL REJECTION
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Group Art Unit: 1641

DRAFT RESPONSE

March 6, 2003

PATENT

28911/34561

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Jeffrey Kenneth HORTON

Serial No. 09/027,654

Filed: February 23, 1998

For: IN-SITU CELL EXTRACTION AND ASSAY METHOD

Group Art Unit: 1641

Examiner: Gailene R. Gabel

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) R. Gabel (FAX NO: 703-305-3014), C/O
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March __, 2003

) Jeffery S. Sharp
) Registration No. 31,879
) Attorney for Applicant

RESPONSE AFTER FINAL REJECTION UNDER 37 C.F.R. §1.116

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated September 30, 2002 in the above-identified application in which all pending claims (1,2 and 4-14 and 16-21) stand rejected under one or more of 35 U.S.C. §112 (second paragraph) 102(b) and/or 103(a). Applicant notes with appreciation the withdrawal of the previous rejection over Lundin, U.S. Patent No. 5,705,345. Reconsideration of the claims and withdrawal of the outstanding rejections are requested in light of the following amendments and remarks. This response is timely filed as a petition for a three month's extension of time to March 30, 2003 is submitted herewith.